


EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT22-3-B. Administrative Enforcement: Agency Representation in Hearings and Negotiations

1. **AUTHORITY.** To represent the U.S. Environmental Protection Agency in civil administrative penalty adjudications conducted under the Emergency Planning and Community Right-to-Know Act; to negotiate consent agreements between the EPA and respondents resulting from such enforcement actions; to initiate appeals from such administrative determinations, and represent the agency in such appeals.
2. **TO WHOM DELEGATED.** Regional Counsel.
3. **LIMITATIONS.**
  - a. The person representing the agency in the proceeding must be an agency attorney.
  - b. Any official deciding whether to appeal an adverse administrative decision must consult in advance with the assistant administrator for the Office of Enforcement and Compliance Assurance or designee and the director, Enforcement and Compliance Assurance Division or designee.
  - c. Any official initiating an appeal must obtain the advance concurrence of the ECAD director or designee.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the branch chief level or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** EPCRA § 325.

  
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Gregory Sopkin  
Regional Administrator

Date

  
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8/2/19